GAHC010012702026

2026:GAU-AS:9979

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Crl.)/60/2026
in
Crl. A. 288/2025

SRI THANESWAR MAHALI
S/O. LT. BIRSHA TANTI, R/O. SECONI T.E. HOSPITAL LINE, P/O. AND P/S. JAKHALABANDHA, DIST. NAGAON, ASSAM, PIN-782136.

VERSUS

THE STATE OF ASSAM
, REPRESENTED BY PUBLIC PROSECUTOR, ASSAM.

2:AMAR TANTI
S/O. LT. MONIRAM TANTI
R/O. SECONI T.E
BAZAAR LINE
P/O. AND P/S. JAKHALABANDHA
DIST. NAGAON
ASSAM
PIN-782136

Advocate for the Petitioner : MR. P MAZUMDER, MR. S CHAUHAN,R DEB,B CHOWHAN,M. BORUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

21-07-2026

Heard Mr. P. Mazumdar, learned counsel for the applicant/appellant and Mr. B. Sarma, learned Additional Public Prosecutor, Assam.

2. This interlocutory application has been preferred seeking suspension of the sentence and allowing the applicant/appellant to go on bail under special circumstances.

3. The applicant/appellant was convicted under Section 6 of the POCSO Act by judgment and order dated 11.06.2025 passed by the learned Additional Sessions Judge-cum-Special Judge (POCSO), Nagaon in Special (POCSO) Case No. 85(N)/2022 and sentenced him to undergo R.I. for 10 (ten) years and to pay fine of Rs.5,000/- in default, S.I. for 4 (four) months.

4. The applicant/appellant was admitted to the jail on 26.05.2025 and by now, he has spent 464 days inclusive of remand period.

5. It is submitted that the applicant/appellant during his stay in jail suffered a brain stroke, as a result of which he has been paralyzed on the right side and cannot move without the assistance of others. The medical report was called for from the jail authorities, which has accordingly been submitted by Dr. J. Ahmed, Neuropsychiatrist, Medical and Health Officer, Central Jail, Nagon.

6. It is stated in the said report that the applicant/appellant was sent to Nagaon Medical College due to weakness of his upper limb and lower limb (right side) where he was diagnosed as suffering from systemic hypertension & Cerebrovascular accident along with intracerebral hemorrhage. He was referred

to GMCH on 26.12.2025 wherein he was admitted and treatment was provided.

7. It is further stated in the said report that the applicant/appellant is not able to walk without the help of others and physiotherapy has been provided from Nagaon Medical College and Hospital and all required medication has been provided from the jail hospital.

8. The learned Addl. PP submitted that the service of notice on the respondent No.2 is not complete and the prosecution is yet to file its objection on the bail application. However, considering the special circumstances of the case, I am inclined to dispose of this interlocutory application.

9. The applicant/appellant, has no doubt been convicted for a heinous offence, but having regard to the present condition of the applicant/appellant and also the fact that he has already spent 464 days in jail, as a special case, the Court is inclined to suspend the reminder of his sentence and allow the applicant/appellant to go on bail on medical ground.

10. Accordingly, the reminder of the sentence imposed upon the applicant/appellant by the impugned judgment and order dated 11.06.2025 passed by the learned Additional Sessions Judge-cum-Special Judge (POCSO), Nagaon in Special (POCSO) Case No. 85(N)/2022 be suspended and the applicant/appellant is directed to be released on bail of Rs.50,000/- with two sureties of the like amount to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge (POCSO), Nagaon.

11. This interlocutory application accordingly stands disposed of.

JUDGE

Comparing Assistant